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9	NOT FOR CITATION
10	IN THE UNITED STATES DISTRICT COURT
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA
12	CHAD EDWARD KASTLE, No. C 08-02196 JF (PR)
13	Petitioner, ) ORDER DENYING REQUEST FOR CERTIFICATE OF
14	vs. ) FOR CERTIFICATE OF APPEALABILITY
15	MICHAEL S. EVANS, Warden,
16	Respondent.
17	/
18	On July 18, 2008, the Court dismissed this <u>pro</u> se petition for writ of habeas corpus
19	on the merits and entered judgment. On July 28, 2008, Petitioner signed his notice of
20	appeal, which was filed with the Court on July 29, 2008. (Docket No. 5.) The Court
21	construes Petitioner's notice of appeal as a request for a certificate of appealability.
22	Petitioner is not required to make a formal request for a certificate of appealability; the
23	timely notice of an appeal or other similar filing can be construed as a request for a
24	certificate of appealability. See Fed. R. App. P. 22(b).
25	A petitioner may not appeal a final order in a federal habeas corpus proceeding
26	without first obtaining a certificate of appealability (formerly known as a certificate of
27	probable cause to appeal). See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A judge shall
28	grant a certificate of appealability "only if the applicant has made a substantial showing
	Order Denying COA P:\PRO-SE\SJ.JF\HC.08\Kastle2196 coa.wpd 1

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of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The certificate must indicate which issues satisfy this standard. See id. § 2253(c)(3).

"Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court denied the instant habeas petition after careful consideration of the merits. The Court found no violation of Petitioner's federal constitutional rights in the underlying state court proceedings. Petitioner has failed to demonstrate that jurists of reason would find it debatable whether this Court was correct in its ruling. Accordingly, Petitioner's request for a certificate of appealability is DENIED.

The clerk shall forward to the court of appeals the case file with this order. <u>See</u> Fed. R. App. P. 22(b).

IT IS SO ORDERED.

DATED: 11/5/08